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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/626,850	07/22/2003	Felix Bator	F-673	1866

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EXAMINER

BORISSOV, IGOR N

ART UNIT	PAPER NUMBER
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3639

DATE MAILED: 07/12/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No. 10/626,850	Applicant(s) BATOR ET AL.	
	Examiner Igor Borissov	Art Unit 3639	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 30 January 2006.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-3 and 9-14 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3 and 9-14 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119


- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.

- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

  
**IGOR N. BORISSOV**  
**PRIMARY EXAMINER**

## DETAILED ACTION

### *Response to Amendment*

Amendment received on 1/30/2006 is acknowledged and entered. Claims 4-8 have been previously canceled. Claims 1-3 and 9-14 are currently pending in the application.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

**Claims 1-3, 9, 10 and 12-14 are rejected under 35 U.S.C. 102(b) as being anticipated by Shah et al. (5,822,738).**

Shah et al. (Shah) teaches a method and system for dispensing a postage to a remote location, comprising :

#### *Independent Claims*

Claims 1 and 14,

obtaining a meter license from the Post, said meter license being associated with a meter account assigned to the vendor, said meter account being maintained at a data center (C. 2, L. 10-17);

receiving, via the network, a transaction request for postage from a customer using the remote personal computer, said transaction request including information from the customer, said information corresponding to the transaction requested and payment method (C. 2, L. 13-17, 55-61);

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processing the requested transaction by requesting the data center to create evidence of postage payment and to account for the created evidence of postage payment in the meter account assigned to the vendor (C. 2, L. 50-51);  
effecting payment for the transaction based on the information received from the customer (C. 2, L. 41-42);  
receiving the evidence of postage payment created by the data center;  
and  
sending the evidence of postage payment to the remote personal computer for use by the customer (C. 2, L. 50-51).

Claim 10,  
receiving a request for postage from a customer using the remote personal computer coupled to the network (C. 2, L. 13-17, 55-61);  
processing the request for postage by requesting a data center to create evidence of postage payment and to account for the created evidence of postage payment in a postal account assigned to the vendor (C. 2, L. 50-51);  
sending the evidence of postage payment to the remote personal computer customer via the network for use by the customer (C. 2, L. 50-51).

*Dependent Claims*

Claim 2. Said method further comprising: determining an origin of deposit postal code for the requested transaction (C. 5, L. 12-19; 42-44).

Claim 3. Said method wherein the information from the customer includes a username, password and credit card information whereby a personal account is established for subsequent transactions (C. 6, L. 63 – C. 7, L. 13)

Claim 9. Said method wherein the origin of deposit postal code is included in the information from the customer (C. 3, L. 52-54).

Claims 12 and 13. Said method wherein the information to identify the customer includes a password (PIN) (C. 6, L. 63 – C. 7, L. 13).

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 3 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shah in view of Official notice.

**Dependent Claims**

Claim 3. Shah teaches said method wherein the information from the customer includes a username, password (PIN) and credit information whereby a personal account is established for subsequent transactions (C. 6, L. 63 – C. 7, L. 13).

Shah does not specifically teach that said credit information includes credit card information.

Official notice is taken that it is old and well known to pay by a credit card for services rendered.

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Shah to include that said credit information includes credit card information, because it would advantageously allow to use a well known and widely used financial mechanism, thereby providing convenience to the customers.

Claim 11. Shah teaches said method wherein the evidence of postage payment includes printing a transaction report, wherein said report includes title, date, license #, register values and a validation code, said code is generated by the SMD on request, and printed at the end of the report. The code can be based

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on a function of the above SMD registers and the license number (C. 9, L. 36-40).

Shah does not specifically teach that said validation code is a transaction number.

However, the purpose of said validation code is uniquely identify said transaction.

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Shah to include that said validation code is a transaction number, because it would advantageously allow to refer to said transaction by said transaction number if it would be necessary to obtain said information for auditing purposes in the future.

### ***Response to Arguments***

Applicant's arguments filed 1/30/2006 have been fully considered but they are not persuasive.

A "traverse" is a denial of an opposing party's allegations of fact. The Examiner respectfully submits that applicants' arguments and comments do not appear to traverse what Examiner regards as knowledge that would have been generally available to one of ordinary skill in the art at the time the invention was made. Even if one were to interpret applicants' arguments and comments as constituting a traverse, applicants' arguments and comments do not appear to constitute an adequate traverse because applicant has not specifically pointed out the supposed errors in the examiner's action, which would include stating why the noticed fact is not considered to be common knowledge or well-known in the art. 27 CFR 1.104(d)(2), MPEP 707.07(a). An adequate traverse must contain adequate information or argument to create on its face a reasonable doubt regarding the circumstances justifying

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Examiner's notice of what is well known to one of ordinary skill in the art.

In re Boon, 439 F.2d 724, 728, 169 USPQ 231, 234 (CCPA1971).

If applicant does not seasonably traverse the well known statement during examination, then the object of the well known statement is taken to be admitted prior art. *In re Chevenard*, 139 F.2d 71, 60 USPQ 239 (CCPA 1943).

In response to applicant's argument that Shah does not teach that "*a customer can print postage without having a meter license or meter account assigned to the mailer*", it is noted that said features upon which applicant relies are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Specifically, the language of the claims does not prevent the customer to have the meter license or meter account assigned to the customer. The claims language requires that the meter license or meter account *is assigned to the vendor*; and Shah does explicitly disclose this feature (See: C. 1, L. 46-51; C. 2, L. 10-17).

### **Conclusion**

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

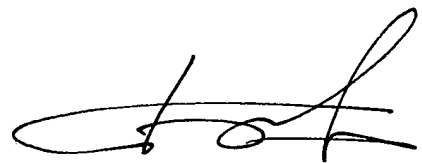
A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Igor Borissov whose telephone number is 571-272-6801. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John W. Hayes can be reached on 571-272-6708. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

IB  
7/05/2006



IGOR N. BORISSOV  
PRIMARY EXAMINER